IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1939 OF 2006

Sarala Jayesh Solanki .. ..Applicant

Versus

Jayesh Amrutlal Solanki & Anr. .. ..Respondents

Mr.Kuldeep S. Patil for applicant

Mr.V.G.Mehta for respondent no.1

Mr.D.P.Adsule, APP for State

CORAM : S.C.DHARMADHIKARI,J.

DATE : 8TH NOVEMBER, 2006

P.C.:

1. Heard Mr. Patil appearing for applicant-wife in support of this application and Mr. Mehta for the first respondent-husband. Perused the application and the annexures thereto so also the affidavit in reply.

2. In my view considering the settled principles to

be applied for deciding an application for cancellation of bail no case is made out to cancel a bail order which is passed in favour of the 1st respondent husband as early as in 2003 and only on the basis of the so called NC/Complaints.

3. The dispute between the parties is admittedly pending in the family court and I am informed that an order has been passed with regard to the premises which are presently in occupation of the applicant-wife. Mr. Mehta states that the applicant is directed to hand over possession of these premises to the 1st respondent-husband under the orders of the family court which are confirmed by this court. The family court’s orders are sought to be executed from time to time and apprehending that she may have to hand over possession the present application is filed.

4. Without going into these aspects, in my view, interest of justice would suffice if it is directed that the 1st respondent shall not in any manner disturb the possession of the applicant wife in respect of the said premises nor shall threaten her or the prosecution witnesses. This order however does not prevent the 1st

respondent from executing the order passed by the family court in accordance with law and for that purpose accompanying the Bailiff to the subject premises.

5. Mr. Mehta states that the 1st respondent would not in any manner interfere with the possession of the applicant in respect of the premises save and except for executing the order passed by the family court. He states that the first respondent shall not tamper with the prosecution witnesses either.

6. In the light of the above statements nothing survives in this application. The application is disposed of accordingly.

(S.C Dharmadhikari, J.)